

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RANDLE GRIFFIN,

Plaintiff,

Case No. 11-14876

v.

Hon. John Corbett O'Meara  
Magistrate Judge Michael Hluchaniuk

MARY K. BERGHUIS, *et al.*,

Defendants.

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**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Before the court is Magistrate Judge Hluchaniuk's January 3, 2016 report and recommendation, in which he recommends that Defendants' second motion for summary judgment be denied. Defendants filed timely objections, to which Plaintiff responded.

With respect to reports and recommendations from magistrate judges, this court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

Having reviewed the record, including the Sixth Circuit's April 21, 2014 opinion, the court agrees with Magistrate Judge Hluchaniuk's analysis and

recommendation.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Hluchaniuk's January 3, 2016 report and recommendation is ADOPTED.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment is DENIED.

s/John Corbett O'Meara  
United States District Judge

Date: March 24, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 24, 2016, using the ECF system.

s/William Barkholz  
Case Manager